

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISAMARIE JACOBUS,

Plaintiff,

v.

Civil Case No. 18-11874
Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S OCTOBER
12, 2018 REPORT AND RECOMMENDATION (ECF NO. 12)
AND DISMISSING ACTION**

On June 11, 2018, Plaintiff LisaMarie Jacobus, proceeding *pro se*, filed this action under 42 U.S.C. §§ 405(g) and 1383(c)(3) for a review of the final decision of the Commissioner of Social Security to deny her applications for social security disability insurance benefits and supplemental security income benefits. (ECF No. 1.) On June 18, 2018, the Court entered an Order granting Plaintiff's application to proceed without prepaying fees or costs. (ECF No. 5.) The Court also entered an Order the next day directing Plaintiff to complete service documents and for service of process by the U.S. Marshal. (ECF No. 6.) Specifically, Plaintiff was ordered to "complete and present to the Clerk's Office for issuance, three (3) summonses for each defendant to be served, within fourteen (14) days of the date

of this Notice.” (*Id.*) On July 12, 2018, after receiving improperly completed copies of summons for each Defendant, the Clerk of the Court issued new summons for each Defendant. (ECF No. 8.) And, on July 23, 2018, the Court entered an amended Order granting Plaintiff’s application to proceed without prepaying fees or costs (ECF No. 9), and an amended Order directing Plaintiff to complete service documents for service of process by the U.S. Marshal, specifically directing Plaintiff to complete and present to the Clerk’s Office the following documents within fourteen days:

1. One (1) copy of the complaint for each defendant;
2. Two (2) USM 285 forms for each defendant;
3. Three (3) summonses for each defendant.

(ECF No. 10.) That Order further provided that “upon receipt of the properly completed documents listed above,” the Clerk is “directed to process this case for service” and “the U.S. Marshal is directed to serve” the documents upon each defendant “without prepayment of the usual costs for such service.” (*Id.*)

However, when the “properly completed documents” were not presented to the Clerk’s office and Defendant Commissioner of Social Security was not served, the Court issued an order to show cause for failure to effect service over Defendant. (ECF No. 11.) Specifically, the Court ordered Plaintiff “to SHOW CAUSE IN WRITING ON OR BEFORE OCTOBER 4, 2018 why the Court

should not dismiss the Defendant Commissioner of Social Security from this action and why the Court should allow an extension of time to effect service.” (*Id.*) The Order further stated that “[i]n the event that Plaintiff fails to provide good cause, the Court will issue a Report and Recommendation that Plaintiff’s claims against the Defendant Commissioner of Social Security be dismissed without prejudice.” (*Id.*) To date, Plaintiff has not responded to the Show Cause Order. Subsequently, Magistrate Judge Patti filed the instant Report and Recommendation (“R&R”) recommending the dismissal of Plaintiff’s complaint. (ECF No. 12.) Neither Plaintiff nor Defendant filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Patti. The Court therefore adopts Magistrate Judge Patti’s October 12, 2018 R&R.

Accordingly,

IT IS ORDERED that Plaintiff’s Complaint is **DISMISSED WITHOUT PREJUDICE** and this matter is **CLOSED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: November 20, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, November 20, 2018, by electronic and/or

U.S. First Class mail.

s/ R. Loury
Case Manager